



**Written Testimony
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Hearing on "The Hague Convention on Adoption: Implementation and Next Steps"

**Before the
House Committee on International Relations
Subcommittee on Africa, Global Human Rights, and International Operations**

**November 14, 2006
10:00 a.m.
2172 Rayburn Building**

Hearing on “Hague Convention on Adoption: Implementation and Next Steps”

Chairman Smith, Vice-Chair Royce and Members of the Subcommittee,

Thank you for providing me with an opportunity to share our experience in child welfare and submit our comments on the United State’s ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. My name is Thomas DiFilipo, President and CEO of the *Joint Council* on International Children's Services (*Joint Council*).

The Unseen

As I begin my testimony today, I am challenged and therefore challenge this subcommittee to remember those on whose behalf I truly offer the following words, thoughts and concerns. Today as we consider policies that will impact children around the world, a nameless child, unseen by your eyes or mine, lay in a crib untouched by human hands, unloved by a human heart. This child, suffering from hydrocephalus, will die, if not today then certainly in the coming days...alone. Who will remember their name, who will offer a prayer, who will mark their grave? By way of this testimony today, I challenge myself, the organization which I represent and this subcommittee, to create a world where children, regardless of race, ethnicity, nationality or physical condition can grow, flourish and perhaps even die in the loving embrace of a family.

JCICS Overview

Joint Council on International Children's Services, with a mission to advocate on behalf of children in need of permanent, safe, loving families, has grown to become one of the country’s oldest and largest child welfare organizations. International child welfare agencies, child advocacy groups, parent support groups and international medical clinics choose membership in *Joint Council* as means of addressing the issue of parentless children and the creation of permanent solutions. *Joint Council* continues to promote ethical child welfare practices, strengthen professional standards and educate adoptive families, social service professionals and governments throughout our world.

Through our involvement in international child welfare since 1976, *Joint Council* has developed an appreciation of the complexities related to the processes and approaches that serve to protect children, while expeditiously meeting their need of finding permanency, safety and love. Collectively our 242 member organizations, serve over 80% of all internationally adopted children in the United States, provide in excess of \$360 million in programs and services to children and families and over \$32 million in humanitarian aid. *Joint Council* believes that all children – regardless of race, ethnicity, gender, medical limitations or other conditions – deserve a permanent, safe and loving home. When children cannot be safely cared for in their birth or extended family, or in permanent adoptive homes within their country of birth, we believe that ethical intercountry adoption provides the most positive option for children.

JCICS History with The Hague Convention

Joint Council has been involved with the U.S. journey to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (The Hague Convention) since its inception. Our organization and many of our members such as Holt International, Bethany Christian Services and Children’s Home Society actively participated in those early meetings at which The Hague

Convention itself was created. Over the past 13 years, Joint Council and its members have submitted literally thousands of comments, testified before Congress and supported passage of the Intercountry Adoption Act. Most recently, Joint Council was appointed a Sponsoring Advisory Board Member of the Council on Accreditation, the accrediting entity for the U.S. Department of State. *Joint Council's* history with this journey continues to be within the context of advancing protections for children and protecting a child's right to permanency.

Protection of Children and Families through Implementation

The primary benefit of the Hague Convention is the protection it offers to children and families. The Convention prevents the abduction, sale, exploitation or trafficking of children. All activities under The Hague, must be conducted in the best interest of the child and respect their fundamental rights. The creation of competent authorities to govern intercountry adoption provides a framework by which the needs of children are met through accredited, trained and supervised organizations and individuals. Federal oversight of international adoption, a raised bar of best practices, increased accountability of service providers, mandatory training and education for parents, and a federal complaint registry are all positives of the Convention and the implementation process in the United States.

In addition, *Joint Council* is hopeful that upon U.S. ratification, current Hague countries, such as Paraguay, South Africa, and Costa Rica, will work with the United States in finding permanent families for their children. We will continue to partner with the Department of State's leadership in advocating to current Hague countries and assisting with international adoption processing.

Issues and Concerns

Additional Legislation Impacting International Adoption

Given the significant changes introduced by the expected U.S. ratification of the Hague Convention in 2007, *Joint Council* strongly cautions against further legislation calling for reform of the international adoption process or government procedures at this time, such as the Intercountry Adoption Reform (ICARE) Act. We suggest U.S. ratification and implementation of The Hague without interruption.

Joint Council applauds the leadership and continuing efforts of Assistant Secretary for Consular Affairs, Maura Harty and her team at the Department of State's Office of Children's Issues. The Office of Children's Issues has clearly demonstrated not only their competency in Hague implementation but just as importantly a passion for creating permanent families for children in need.

Centralization

Over the past 6 months and in collaboration with our good colleagues at the National Council for Adoption, *Joint Council* has conducted 7 overseas trips, including Russia, Ukraine, Mexico and Guatemala, to advocate for a child's right to a loving, safe and permanent family. As recently as last Friday, *Joint Council* returned from leading 5-days of working sessions in an effort to assist in the creation of a Hague compliant system in Guatemala. Specific to Guatemala, we met with officials of the Guatemalan government, Office of the First Lady, UNICEF, U.S. Departments of State and Homeland Security, two attorney associations and various adoption service providers. Similar missions are planned for Mexico, Columbia, China and Vietnam. Our findings from these advocacy efforts leave us with some significant concerns regarding the implementation of the Hague convention.

One of the key elements of the convention is the creation or appointment of a central authority such as DOS. As stated previously and generally agreed upon by all parties, the central authority is designed to

assist in the protections offered to children. The transparency inherent in the central authority is again one of the key elements in rooting out corruption. However, when centralization is not well executed, children are not protected and in fact suffer. Reform must not and can not be allowed to result in paralysis.

In at least four Central and South American countries, centralization has contributed to the elimination of intercountry adoption as a viable option. Each of the four countries was, on average, utilizing intercountry adoption as a means of permanency for 251 children each year. After centralization, the average fell to zero. Failure to install a functional central process may have deprived over 5,000 children their right to a family. As non-Hague countries are encouraged to join the Convention, we must take into account the issues of capacity, transition and funding and not see Hague ratification as a goal in and of itself. *Joint Council* calls on the U.S. government to further assist our colleagues with capacity, transition and funding as we seek to elevate the standards of practice and child protections via the convention.

A Dual System

Currently 68 countries have ratified the Convention, yet Americans adopt from an additional 38 countries. Upon the United States entry into force in 2007, we will have in effect, a dual system for intercountry adoption. Standards, protocols and practices will be allowed to differ between Hague and non-Hague countries. Until such time that all countries ratify, children and families may be afforded less than the highest standard of service and protection. It is incumbent upon *Joint Council*, the U.S. government and other NGOs to ensure that unethical behavior, poor practice or illegal activities are not permitted despite a country's status re the Hague. It is also our role to educate families and the public on which countries are Hague and which are not, and the differences between the two systems so they can make educated and informed decisions in seeking to adopt a child in need.

Above and Beyond

Implementation of the Hague Convention by the United States will bring protections to children never before seen. In looking back at our practices just 15 years ago, one can see the truly significant and life altering advances made in the provision of services. Knowing that dreams can be made real, we must not see the Hague Convention as an end in itself. *Joint Council* calls on its member organizations and all service providers to develop multiple funding sources and seek to meet the needs of all children without parental care. With over 140 million children in need of a permanent family, intercountry adoption is only one in a wide variety of solutions. Solutions such as kinship care, domestic adoption and temporary foster care must be aggressively pursued if we are to truly meet our mission of a family for every child.

Such solutions must also be applied to our domestic policies here in the United States. The United States is unique in that we are both a placing and receiving country for children. This being the case, we must view our policies within the context of a global child welfare system. Each year approximately 25,000 children emancipate from the U.S. foster care system without ever finding their forever home. Intercountry adoption must be integrated into our policies and used as a permanency option for these children.

Summary

On behalf of *Joint Council*, our member organizations and colleagues in the adoption community, I extend our appreciation for the interest and support from the U.S. Congress, and especially this subcommittee, on intercountry adoption and the Hague Convention. Intercountry adoption provides a loving, safe and permanent family for children in need and must be a priority of the U.S. Government.

Ratification of the Hague Convention, unencumbered by additional legislation; assistance in creating functional central authorities; and closing the gap created by our pending dual system will provide significant protections to the children and families we all serve.

Closing

In closing, *Joint Council* asks for your continued help and firmly believes that together we can and must create a world in which the nights in Rio's ghettos are void of the orphan's cry, the brothels of Bangkok are emptied of the child-prostitute and the trash bins of America never again serve as the casket to the newborn.

Thank you for the honor of appearing before the subcommittee today.